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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/799,400 02/12/97 SASAKI

D KAMMON-3.0-0

000530 PM82/0122
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EXAMINER

LEV, B

ART UNIT

PAPER NUMBER

3634

DATE MAILED:

01/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/799,400

Applicant(s)
Sasaki et al

Examiner
Bruce A. Lev

Group Art Unit
3634



☒ Responsive to communication(s) filed on Nov 16, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-33 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-33 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Amendment

1. The amendment filed November 16, 2000 is objected to under 35 U.S.C. 132 because it introduces *new matter* into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In claim 1, lines 34-41, the “gasket being discontinuous...whereby portions...are exposed...and are abutted...against the inner surface of the sleeve...”.

Applicant is required to cancel the new matter in the reply to this Office action.

Claim Rejections - 35 USC § 103

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent of Sasaki et al 8,242,526 in view of Nimiya et al 4,933,512.

As concerns claims 1-28, and 31-33, Sasaki et al discloses the invention including a closure comprising a pair of semicylindrical sleeve members 1 vertically separable surrounding a cable connection section, wherein each has an abutting joint surface on the sides through which the sleeve members are joined; end plates 3 on opposite ends of the sleeve, each formed of rubber and having a cable guide hole 20; hinges and fasteners, inclusive of members 27,28,30,34, releasably hooked between and connecting the sleeve members; end plates formed with slits,

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inclusive of 22,25, extending from the guide holes to an outer periphery of the end plate; and guide hole caps 21 with rigidity holding members viewed as the surfaces between the cap and the holes. **What Sasaki et al does not show** is a gasket including an adhesive between the end plates and the sleeves. However, **Nimiya et al shows** gasket 60 including an adhesive, discussed in column 7 lines 15-20 and illustrated in figures 6a, 6b, and 7, between the end plates 40 and the sleeves 20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the closure of Sasaki et al by incorporating a gasket including an adhesive between the end plates and the sleeves, as taught by Nimiya et al, in order to increase the sealing capabilities between the plates and the sleeves, and to provide a secondary sealing means between the plates and the sleeves in case the inherent sealing capabilities of the plate fail.

As concerns claims 29,30 Sasaki et al 8,242,526 in view of Nimiya et al discloses the invention except for the gasket being made of thermoplastic rubber exhibiting a penetration, elongation, and tensile stress claimed. However, the examiner takes the position that since no engineering advantages have been disclosed for forming the gasket from these exact dimensions, and since it appears that various other dimensions would work equally as well, it would have been a mere design choice.

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Response to Amendment

3. Applicant's remarks filed November 16, 2000 have been fully considered.

As concerns remarks pertaining to the language of the amendment to claim 1, the examiner reiterates that the Specification does not discuss nor disclose the gasket being discontinuous...whereby portions...are exposed...and are abutted...against the inner surface of the sleeve. The examiner has also carefully read through the pages and lines set forth by the applicant, however, this material is not found within these sections either.

Conclusion

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

bl



January 19, 2001